

## **Passive smoking in the workplace - Policy and control**

### **What is passive smoking?**

Passive smoking means to breathe in environmental tobacco smoke (ETS). ETS contains over 4,000 chemical compounds including 43 known carcinogens.

ETS is a combination of exhaled mainstream smoke and sidestream smoke:

- Mainstream smoke is the smoke that smokers inhale directly from their cigarette. Exhaled mainstream is the smoke that smokers exhale.
- Sidestream smoke comes from the end of a lit cigarette and contains much higher levels of many of the carcinogens and other toxic substances than exhaled mainstream smoke. Eighty-five per cent of ETS in an average room is sidestream.

The degree of exposure to ETS by non-smokers is determined by factors such as proximity to a smoker, the tar level of the cigarettes, the number of cigarettes smoked, the size of the room and length of exposure.

### **Health effects**

During the past two decades a number of major scientific reports have been conducted on the health effects of passive smoking. These reports have concluded that passive smoking is a significant health hazard. ETS is an irritant to the eyes and respiratory tract and to many people has an offensive odour. It increases the chance of contracting or aggravating a range of illnesses including:

- Cardio-vascular disease.
- Lung cancer.
- Asthma (particularly in children).
- Acute irritation of the respiratory tract.
- Bronchitis, pneumonia and other chest illnesses in children.

The higher the level of exposure to ETS the greater the risk of contracting these illnesses.

### **Legislative requirements and legal liability**

ETS is a major indoor airborne contaminant and employers who continue to allow smoking in their workplace may be liable for prosecution under the *Occupational Health and Safety Act 1983*. The Act requires:

- employers to ensure the health, safety and welfare at work of all their employees and any others in their place of work.
- employers to take all practical measures to protect workers in relation to their health, safety and welfare.

- employees to take reasonable care for the health and safety of persons at their place of work who may be affected by their acts.

The maximum penalties that can be imposed for breaches of the Act are \$500,000 for corporations (\$750,000 and two years imprisonment for repeat offenders), \$50,000 for individual employers and up to \$3,000 for employees. Employers may also be liable under common law.

Under the *Workers Compensation Act 1987* workers may be entitled to compensation if it is found that passive smoking has contributed to the development of a disease or aggravated an existing disease.

### **Identifying and assessing passive smoking**

Assessments of the risk of passive smoking should be made on the basis of whether the smoking is indoors or outdoors.

Passive smoking will occur where people smoke indoors.

It may also occur in partly enclosed areas such as verandahs, terraces, shopping malls, sports stadiums and beer gardens. These areas must be assessed as to whether there is sufficient natural ventilation for them to be considered outdoors. For specialist advice contact WorkCover NSW on 13 10 50.

### **Controlling passive smoking**

To control ETS, smoking should be eliminated from all indoor areas. To eliminate passive smoking from all indoor areas in the workplace employers should:

- develop a written non-smoking policy in consultation with employees.
- designate the indoor areas as non-smoking.
- inform staff through meetings, memos and notice boards.
- post signs using the standard symbols clearly indicating to staff and the public that the indoor areas are non-smoking.

### **Are separate smoking areas a solution?**

Workplaces that provide separate smoking areas for staff or clients are not fulfilling their obligation under the OHS Act to provide a safe place of work and should be looking to phase these areas out. However some workplaces such as restaurants and pubs have phased in non-smoking policies by initially isolating smoking to particular areas. In this case:

- there should be an effective physical barrier to prevent ETS from entering any area occupied by non-smokers.
- there should be separate ventilation systems for each area.
- the smoking and non-smoking areas should be clearly signposted.
- staff should not be made to work in a smoking areas against their wishes.

### **Can ventilation prevent passive smoking?**

Ventilation systems and air conditioning are not adequate to remove all ETS. Even costly high quality ventilation with a high fresh air supply combined with an air cleaning system will not remove all of the:

- tiny particles, including carcinogens, which are breathed deep into the lungs.
- gaseous components of ETS.
- sidestream smoke.
- odour.
- irritation to non-smokers.

### **Developing a non-smoking policy**

A non-smoking policy should be a written document which is developed in consultation with employees and the health and safety committee and be posted on notice boards for all to see. It is recommended that the policy states:

- that the aim is to achieve a workplace which is free of ETS.
- when the smoking ban comes into force.
- the precise areas affected.
- that professional advice about coping without cigarettes and quitting smoking is available.
- that new employees will be told when applying for a job that the workplace has a non-smoking policy.
- that employees cannot be disciplined because they smoke away from the workplace, during their own time.
- that employees who fail to look after the safety of other people at work by not complying with the no smoking policy can be personally liable to a fine of up to \$3,000 under the OHS Act.
- that smokers are not entitled to smoke even if staff in a particular area all want to smoke. (This would contravene the obligation on an employer to provide a safe place of work and may affect people in other parts of the building.)
- that those who work in isolation are prohibited from smoking. (They are still likely to affect others who come into their area or through the air-conditioning system.)
- that designated smoking areas must be outdoors with no possibility of contamination of indoor areas.

**More information**

For advice about passive smoking contact the:

- WorkCover NSW, Information Centre 131 050 (Free call in NSW)
- NSW Cancer Council, 153 Dowling St, Woolloomooloo 2011 - Phone (02) 9334 1900
- The National Heart Foundation, 343 Riley Street, Surry Hills 2010 - Phone (02) 9219 2444

For information about how to give up smoking contact:

- QUIT Line Phone 131 848

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NSW Cancer Council

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